

ATTACKS ON THE BENCH.

We quite agree with our namesake in England as to the Orton debate, when it says, "The agitation must not be kept up by abusing the judges. If hereafter judges are calumniated, the Government will be bound to prosecute the offenders." The *Law Times* refers to the same matter, and deplores the fact that the most pernicious practice of attacking judges in their judicial character in the columns of the daily press is on the increase, and it refers as well to the press of America as of Great Britain. The writer says:—

"Whilst on the one hand we would be far from desiring to see any conduct on the part of the press which showed a disposition to sacrifice independence of spirit to a mean subserviency to office, we must not forget, on the other hand, that something is due to the difficulties of a judge's position, and that reckless criticism may produce the most lamentable results. There would be no difficulty in painting in the blackest colours what must be the consequences of this practice. They are so obvious that they will occur to any one who considers how necessary it is that the purity of our legal administration should be above suspicion. This phenomenon, apparently, is not peculiar to England. The legal press of America, or at least some sections of it, are crying out under an infliction of the same evil. * * * Whatever may be the causes of the increase of this mischievous practice, it is to be hoped that public feeling may never be led astray by the operation of these causes, and that the criticism in at least some daily papers may be of a more healthy character."

We echo the last sentiment. A leading daily paper in this country has gone at least to the extreme limit in this matter during the past month, even if it has not overstepped the line. The lay press ought to be even more careful in this matter in Canada than in England, for the evil would manifestly spread faster and be more dangerous here than there.

SUCCESSIVE OR ALTERNATIVE APPEALS.

In connection with the establishment of a Supreme Court for Canada, many interesting questions present themselves for discussion. The *personnel* of that Court is a matter of no small moment. Upon that will chiefly depend its efficiency and success. It is of the last importance that the public confidence in its decisions should be of such a kind as to make its judgments practically and satisfactorily final. As Quebec has stipulated for and obtained the right to nominate two of the judges, and as one will doubtless be chosen from the two larger maritime Provinces, and as Ontario may for this purpose be held to include the Provinces west of her, she should obtain a representation of three judges on that bench. Of these, we think it is fitting, considering the *status* of Ontario in the Dominion, that one should be the head of the Court. The Government have indeed recognized the propriety of such a selection from the fact that the offer of that high dignity has been made to the Honourable Edward Blake. His great talents and learning would have rendered such an appointment eminently suitable; but we trust that his having declined the proffered honour will not lead to any other result than that a representative of this Province will be raised to the occupancy of that seat. As for the other judges, we think that the powers who appoint may well bear in mind Lord Bacon's observations on a like subject, and instead of bringing forward new men unused to judicial life, that they should prefer the judges of other courts who "have approved themselves fit and deserving; it would be a good encouragement for them, and for others by their example." The English custom of "once a puisne always a puisne" lays down a sound principle, though it is somewhat difficult